

R430-60-3: LICENSE REQUIRED.

A person must be licensed as an hourly child care center if he or she

(1)(a) provides care in the absence of the child's parent;

Rationale / Explanation

This means the parent is not physically present in the building where care is being provided, at all times while the care is being provided, or is not near enough to reach his or her child within five minutes to provide care, if needed; the center staff diaper children; or the center staff prepare or serve food to the children in care.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

(1)(b) provides care in a place other than the provider's home or the child's home;

Rationale / Explanation

Care provided in the provider's home is regulated as either licensed family or residential certificate care. Care provided in the child's home is not regulated by the Department of Health.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

(1)(c) provides care for five or more children, for four or more hours per day, but not on a regular schedule;

Rationale / Explanation

Providers who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or center. Providers who care for five or more children on a regular schedule are required to have a child care center license.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

(1)(d) provides care for each individual child for less than 24 hours per day;

Rationale / Explanation

Centers that provide live-in 24 hour per day care are regulated as residential facilities, not child care centers.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

(1)(e) provides care that is open to children on an ongoing basis for four or more weeks in a year; and

Rationale / Explanation

This means that care is offered for four or more weeks a year.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

(1)(f) provides care for direct or indirect compensation.

R430-60-3: LICENSE REQUIRED.
<u>Rationale / Explanation</u> <i>Direct or indirect compensation means that there is a user charge or fee for the care provided.</i>
(2) If five or more children attend the center for four or more hours a day on a regularly scheduled ongoing basis, the center must be licensed under R430-100 <u>Rationale / Explanation</u> <i>Care on a regularly scheduled ongoing basis is not hourly care.</i> <i>In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.</i>